

INSPECTION FACT SHEET

COMPANY NAME: Former Bishop's Gas Station
(aka Whitey's)

I.D.#: Non-Handler

MAILING ADDRESS: N/D

TYPE OF FACILITY: Closed facility

LOCATION: Rt. 50 East
(1.2 miles west of MD state line)
Aurora, WV

COUNTY: Preston

COMPANY CONTACT: Ernie Martin

HANDLING CODES: N/A

PHONE: (301) 334-3284

GPS COORDINATES: N/D

PURPOSE: To conduct a complaint investigation.

APPLICABLE REGULATIONS: West Virginia Hazardous Waste Management Act
Chapter 22, Article 18;
West Virginia Administrative Regulations for Chapter 22-18
and/or 40 CFR Parts 260 thru 279.

LIST OF WASTE TYPES: N/A

☐ DETERMINATION PENDING

☐ NOT APPLICABLE

☐ VIOLATIONS

☒ NO VIOLATIONS

☐ REFERRED FOR ENFORCEMENT

☐ AREAS OF CONCERN

DATE INSPECTED: April 7, 2012

INSPECTOR: John Killian, WVDEP, Division of Water and Waste Management
Environmental Enforcement – Hazardous Waste
Fairmont Field Office

PREPARED BY: John Killian
Environmental Inspector



west virginia department of environmental protection

Environmental Enforcement
Hazardous Waste
2031 Pleasant Valley Road, Suite #1
Fairmont, WV 26554-9295
Phone: 304/368-3960 Fax: 304/368-3953

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

COMPLAINT / SPILL / EMERGENCY RESPONSE REPORT

COMPLAINT NOTIFICATION RECEIVED BY: Brian Long
DATE/TIME: April 7, 2012/6:53 am
NAME OF CALLER: Anonymous
ADDRESS: Rt. 50 East just before MD state line
PHONE: Not provided
Aurora, WV

DESCRIPTION OF COMPLAINT: Possible unauthorized removal of Underground Storage Tanks (UST's)

DATE AND TIME NOTED BY CALLER: April 7, 2012/6:59 am
LOCATION: Approximately 1.2 miles west of MD state line on Rt. 50 Aurora, WV
RESPONSIBLE COMPANY OR PERSON, IF KNOWN: Fred Titchnell and/or Ernie Martin
STREAM: Unnamed tributary of Youghiogheny River
INVESTIGATION: April 7, 2012
REPORT DATE: May 2, 2012
INSPECTOR ASSIGNED: John Killian
PREPARED BY: John Killian, Environmental Inspector

INVESTIGATION FINDINGS: On April 7, 2012 at 12:28 pm the above WVDEP inspector received a phone call from WVDEP employee Brian Long who had been attending the state emergency spill line on this day. Mr. Long stated that a complaint was received regarding the above noted location and no UST inspectors were available to investigate. He asked me to respond to that location, document and photograph any activities related to the complaint description and report findings to the UST Inspector, Ted Wisner or the UST Program Supervisor, Patty Perrine.

I arrived at a gas station in the above noted location that appeared to be out of business at 2:27 pm. While parking I noticed activity behind the building. I walked to the rear of the store and asked one of the two men there if this was the former Bishop's Gas station. The older of the two men affirmed that it was. I introduced myself and explained that I was investigating alleged activity involving the removal of UST's this morning. Neither of the men wished to give me their names, and both could not provide any information regarding removal of UST's at this location. When asked, the older of the two men stated that Ernie Martin was the owner of the property. I asked for his phone number and he went into the two-story metal building located behind the gas station to write it down for me.

The Ford Ranger pick-up truck the men had been loading contained two closed 5-gallon pails, one 55-gallon drum and one 30-gallon drum. When the man returned he handed me a scrap piece of cardboard with a Maryland telephone number written on it, (Attachment A). When asked what was in the containers in the truck he stated it was antifreeze. When asked what they were doing here on the property today the older man stated that he operates a painting business out of the metal building here that he leases from Mr. Martin. I thanked them and explained that I was going to contact Mr. Martin to request permission to look around the property.

While sitting in my vehicle at the front of the station I called the number that was given to me, (301) 334-3284 and waited for several rings before a woman answered. She stated that she was Pat Martin, Ernie's wife and that he was home but unavailable to speak at this time. I explained who I was and why I was at the gas station this afternoon and I requested permission from her to walk around the premises to investigate. She stated she could not give me permission, but would give Ernie my message and cell phone number. While on the phone with Mrs. Martin

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Route 50 East Aurora, Preston County, WV
April 7, 2012

both men left the premises. The younger of the two turned right Eastbound on Route 50 toward Maryland and the older man turned left, Westbound on Route 50. At this time I noticed that the Ford pick-up truck had no license plate.

I spoke with both neighbors on either side of the station to see if I could get a view of the rear of the property. Nothing was visible from the West side. I decided to see what was visible from the front of the property near the store front and dispensing pumps. While walking in areas that were open to the general public I took one photograph with my phone. On the left-hand side of the station the soil was disturbed and fuel delivery lines were observed above grade while walking on the store front sidewalk. Also a UST vent pipe was observed lying on the ground near the Kerosene dispensing pump, (Photo #1).

(b) (7)(A), (b) (7)(D), (b) (7)(F)



While emailing the photos a vehicle driven by a man in his 50's-60's slowed down in front of the station, turned in front of my vehicle, completed a U-turn and headed back East on Route 50 a short distance. The vehicle pulled over and stopped on the side of the road about 200 yards from my location, then drove on after two or three minutes. A few minutes later another car pulls into the station from the Maryland direction. A woman got out and placed a "No Trespassing" sign near the pumps. She approached me and said she was asked to place that sign there and it would probably be best if I left. I explained that I was just leaving then asked if she was Mrs. Martin. She ignored my question and continued walking away from me. I exited the gas station driveway and parked on the side of the road just past the property line to finish emailing the photos.

(b) (7)(A), (b) (7)(D), (b) (7)(F) it is obvious that a recent excavation has taken place on the property and tanks have been removed from the former gas station. Photos #2, #3 and #6 show the approximate location where the tanks were positioned before their removal. Three separate conduit runs are visible in photo #3 paralleling the exterior brick wall to a point below grade at this location. The Frito Lay box truck seen in photos #3 and #6 appears to be strategically positioned to shield excavation activities in this location from the view of travelers on Route 50. The pre-excavation grade level is still visible on the building's exterior wall and the telephone pole as seen in photos #2 and #7. Items on the flatbed trailer seen in photo #4 include metal piping of the same diameter used for UST vents. The soil removed from the UST area can be seen in photos #5, #7 and #8.

The findings of this investigation have been referred to WVDEP's Environmental Enforcement UST Division. It should be noted that a similar complaint was received and forwarded by the Romney field office at this

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location approximately one week earlier. The attached email correspondence documents this related complaint, (Attachment B).

bing Maps

Aurora, WV

My Notes

On this go? Use m.bing.com to find maps, directions, business, and more.



bing Maps

Aurora, WV

My Notes

On the go? Use m.bing.com to find maps, directions, businesses, and more.

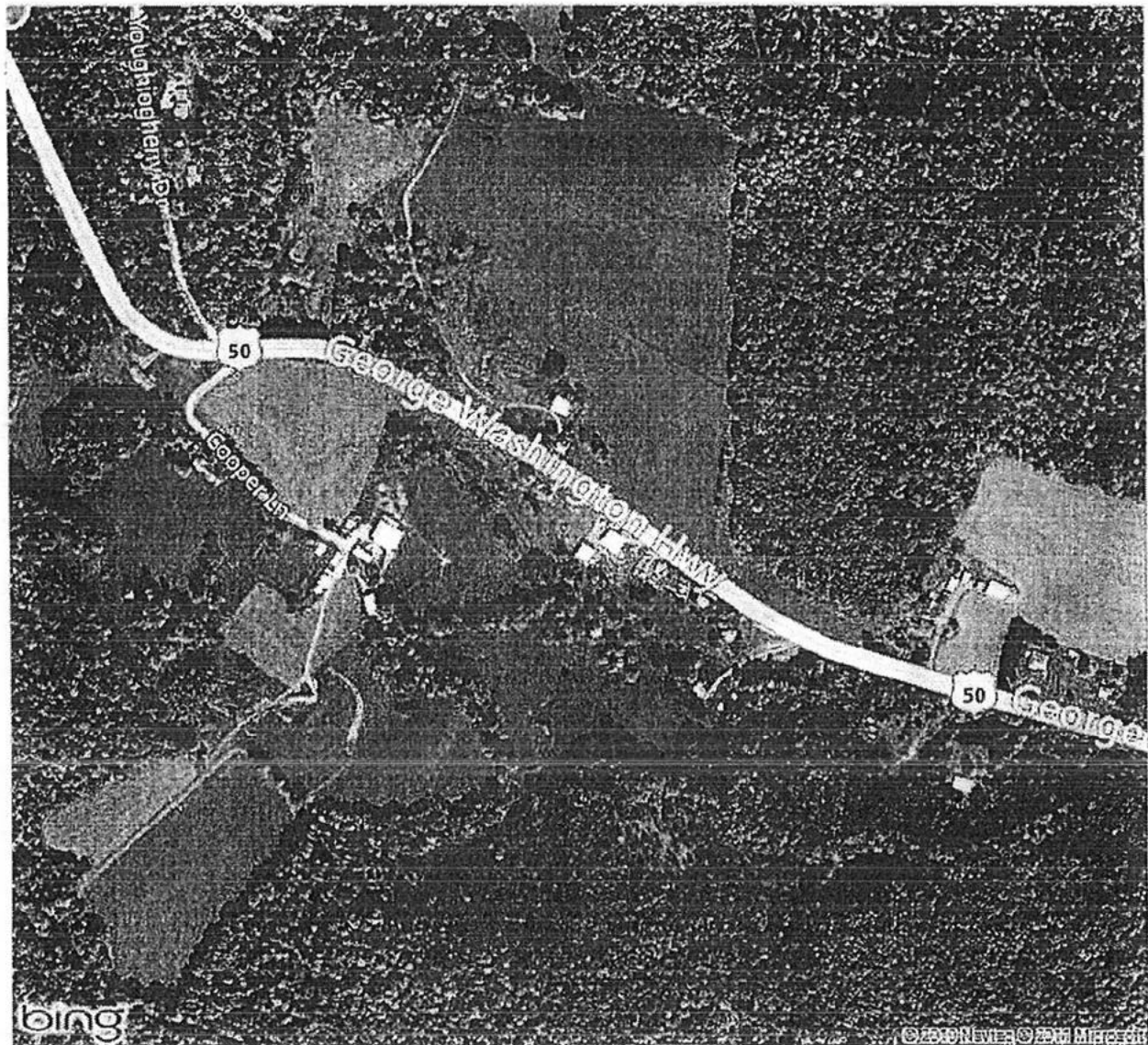


PHOTO LOG

Company Name: Former Bishop's Gas Station

Location: Rt. 50 East Aurora, Preston County, WV

Photo #	Date	Time	Location	Description of Photo
01	4-7-2012	2:41 pm	Front of gas station	Fuel distribution lines (from Blackberry)
02	4-7-2012	3:06 pm	(b) (7)(D), (b) (7)(F), (b) (7)(A)	Excavation area on East side of gas station (from Blackberry)
03	4-7-2012	3:07 pm		Excavation area on East side of gas station
04	4-7-2012	3:07 pm		Truck and trailer at rear of property
05	4-7-2012	3:08 pm		Excavating equipment and piles of soil
06	4-7-2012	3:08 pm		Excavation area on East side of gas station
07	4-7-2012	3:08 pm		Wide angle view of East side of property
08	4-7-2012	3:10 pm	Front of gas station	View from front of property looking South
09	4-7-2012	3:10 pm	Front of gas station	Discarded wiring and tank vent pipes
10	4-7-2012	3:10 pm	Front of gas station	View from sidewalk near corner of building
11	4-7-2012	3:11 pm	Front of gas station	Fuel distribution lines abandoned above grade

Photographer signature



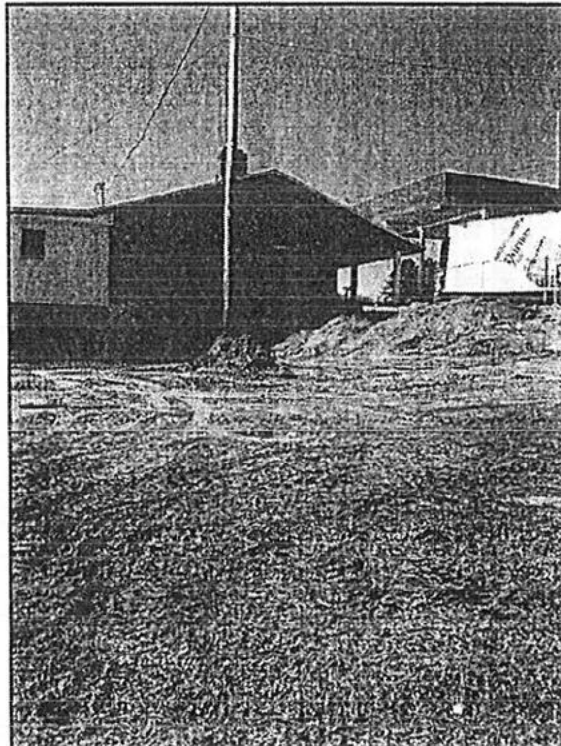


Former Bishop's Gas Station

April 7, 2012

J. Killian

Photo #1



Former Bishop's Gas Station

April 7, 2012

J. Killian

Photo #2



Former Bishop's Gas Station

April 7, 2012

J. Killian

Photo #3



Former Bishop's Gas Station

April 7, 2012

J. Killian

Photo #4

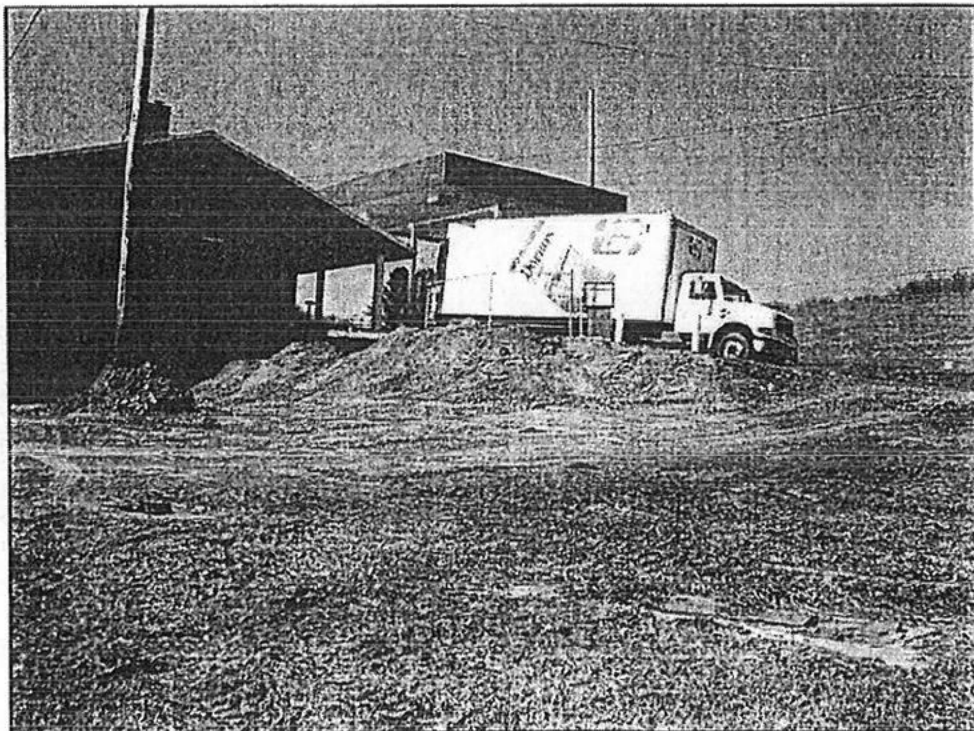


Former Bishop's Gas Station

April 7, 2012

J. Killian

Photo #5

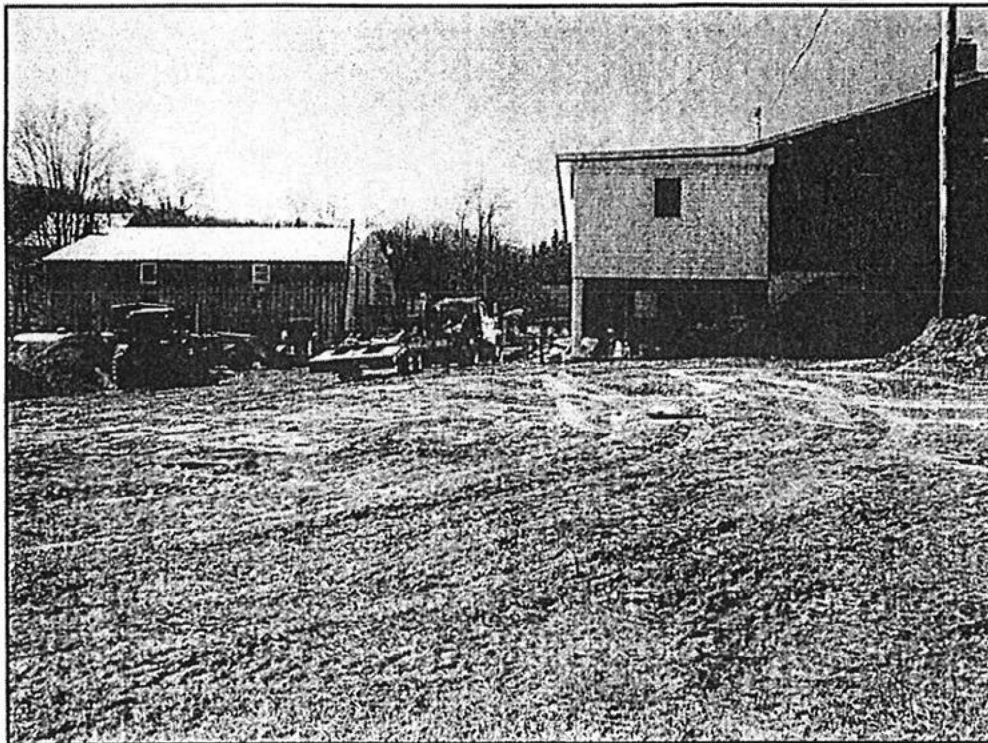


Former Bishop's Gas Station

April 7, 2012

J. Killian

Photo #6

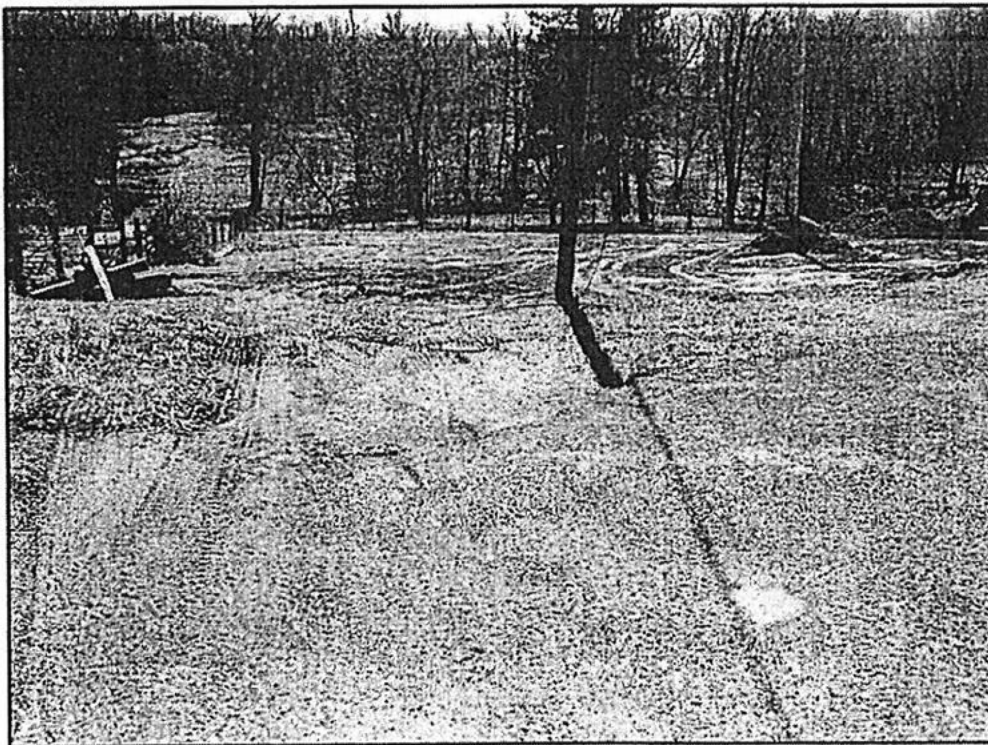


Former Bishop's Gas Station

April 7, 2012

J. Killian

Photo #7

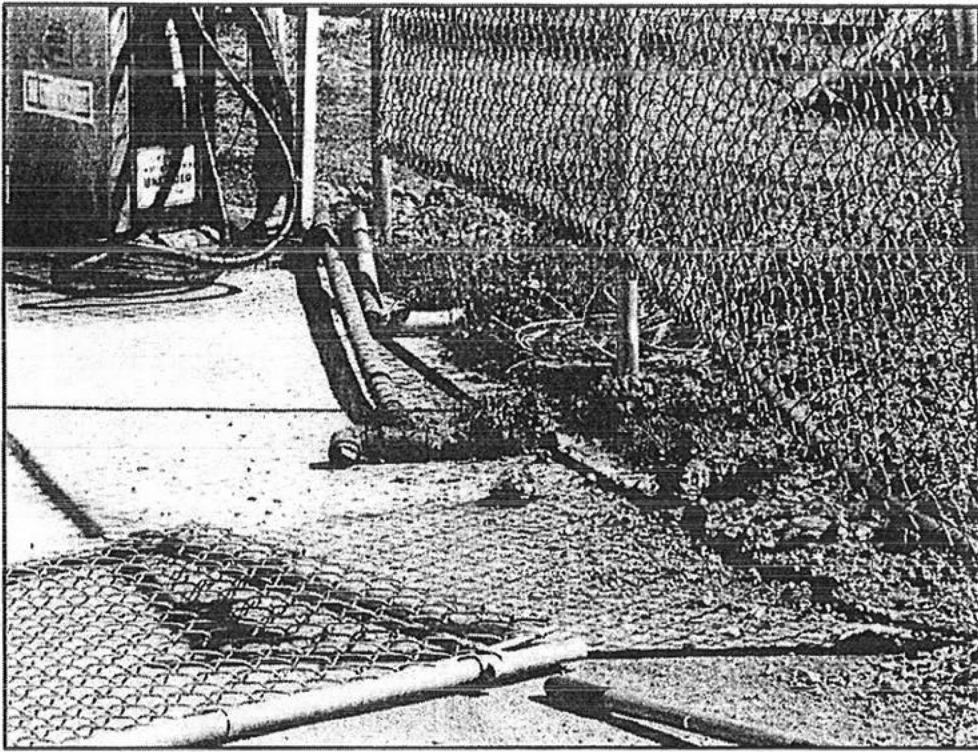


Former Bishop's Gas Station

April 7, 2012

J. Killian

Photo #8

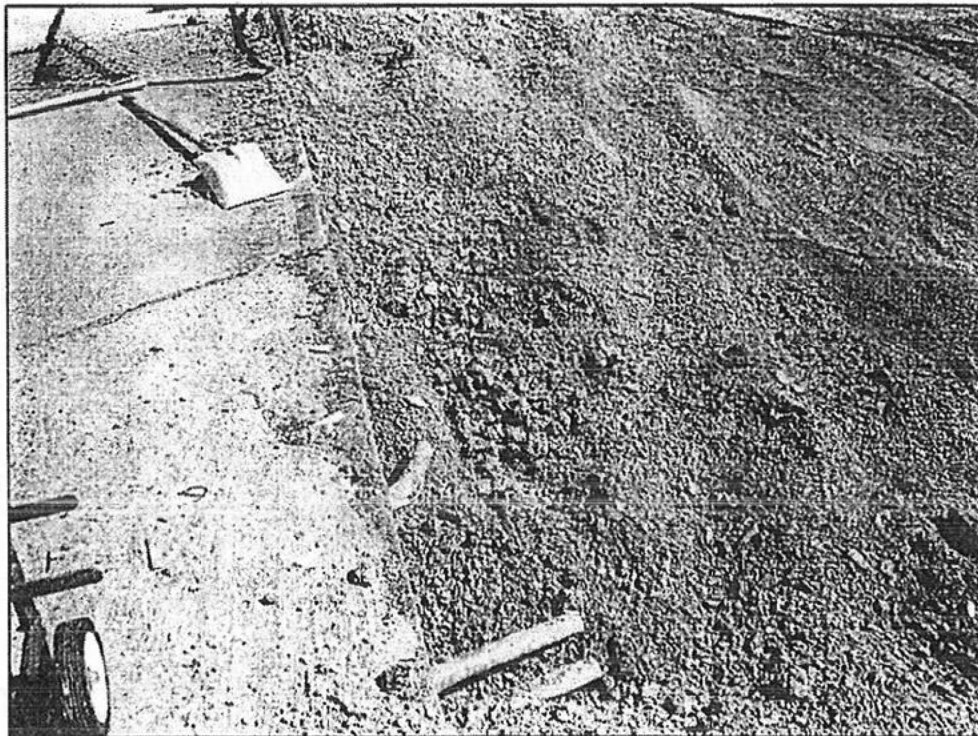


Former Bishop's Gas Station

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J. Killian

Photo #9



Former Bishop's Gas Station

April 7, 2012

J. Killian

Photo #10

ATTACHMENT A

COPPER Wiring Devices

COOPER Wiring Devices

Single Gang Wallplates (10 Pack)

Plaque Simple (10/Paquet)

Placas de Pared de Salida Simple (10 Paquetes)

100

ATTACHMENT B

Killian, John D

From: Fenske, James R
Sent: Friday, March 30, 2012 10:58 AM
To: Killian, John D; Nobles, William W
Subject: FW: Preston Co diesel/gasoline complaint-former Whitey's in Aurora

fyi

From: Wisner, Ted E
Sent: Friday, March 30, 2012 10:52 AM
To: Noll, Jeanne; Nobles, William W
Cc: Porter, Ruth M; Fenske, James R; Dolly, Robin C; Sanders, Mary J; Korbini, Casey E; Perrine, Patty S; Hickman, Patricia A; Carr, Twila M
Subject: RE: Preston Co diesel/gasoline complaint-former Whitey's in Aurora

(b) (7)(A), (b) (7)(D), (b) (7)(F)



This is the Ernest Martin owned site in Aurora, formerly Bishops Store. Ol' Ernie's reputation is well known in that area. As some of you already know, he's quite the outlaw and he lives in Maryland.

I called the person who I figured was working there, who has also been working with Mr. Martin to purchase the place, and he told me he was presently removing the 2k heating oil tank which is behind and below the gas tanks. He said the tank was in good condition and had used it all winter. It is highly likely that there would be fumes/odors during the excavation since there was a confirmed release there in 2004.

Ted Wisner

From: Noll, Jeanne
Sent: Friday, March 30, 2012 10:05 AM
To: Wisner, Ted E; Nobles, William W
Cc: Porter, Ruth M; Fenske, James R; Dolly, Robin C; Sanders, Mary J
Subject: Preston Co diesel/gasoline complaint-former Whitey's in Aurora
Importance: High

Friday 03/30/12 9:50am

(b) (7)(A), (b) (7)(D), (b) (7)(F)



Jeanne Noll
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